

REMARKS/ARGUMENTS

Claims 1 through 20 are presently pending. Claims 1, 8, and 17 have been amended. In an office action mailed September 15, 2003 (Paper No. 3), claim 8 was objected to for noted informalities. Claims 4 and 5 were rejected under 35 U.S.C. 112. Claims 8, 13, and 17 stand
5 rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (US2002/0065076). Claims 1-3 stand rejected under 35 U.S.C. 103 over Hoffbeck et al (USPN 6,445,686) in view of Yu et al. (USPN 6,563,513) in view of Monroe. Claims 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffbeck in view of Yu in view of Monroe in view of Rostoker et al (USPN 5,784,572). Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as
10 being unpatentable over Monroe in view of Matsuzaki et al (USPN 6,533,672). Claims 10 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Jokomies et al (USPN 6,661,674). Claims 12 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Hoffbeck. claims 14-16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Rostoker. These
15 rejections are respectfully traversed.

Claim Objections

Claim 8 has been amended to address the noted objection. Withdrawal of the objection is requested.

Rejections under 35 U.S.C. 112

20 Claims 4 and 5 have been non-substantively amended to correct the terminology "video" to "image." Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. 102

Claims 8, 13, and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (US2002/0065076). In particular, it is alleged that Monroe discloses "determining
25 whether the priority designator is for audio or video data (pg. 3, paragraph 0048, 'one system may have priority over another for data transmission because of reliability issues, whereas a

second system may have priority for voice transmission because of cost issues,' wherein it is earlier disclosed that one type of data transmission may be that of a camera or other image data." This rejection is respectfully traversed.

Monroe fails to provide a basis for the rejection of claims 8, 13, and 17, as amended,
5 under 35 U.S.C. 102(e), because it fails to disclose each element of the claimed invention. For example, claim 8 includes "wherein the audio data and the video data can be received over a same communications channel in a single transmission system." In contrast, Monroe discloses at page 5, paragraph 0059 that "one transmission system may be first priority for a voice only transmission, whereas a second system may be first priority for a text only data
10 transmission." Likewise, paragraph 0048 of Monroe notes that as "wireless services becomes more pervasive, additional types of services will become available. There are currently available analog AMPS format, E-AMPS, N-AMPS, PCS, GSM, and digital version of AMPS systems. "Satellite cellular" systems such as proposed in Iridium, Teledesic and others are also scheduled to come into service. These services, in any order and mix, can be prioritized
15 and automatically selected" (emphasis added). Thus, in order for the system of Monroe to select between audio data and video data, the audio data and video data must each be transmitted other a transmission system that is dedicated to either audio data or video data. In contrast, the invention of claim 8 allows the audio data and the video data to be received over the same communications channel in a single transmission system, thus eliminating the need
20 for separate transmission systems for different types of data. Likewise, claim 17 includes that "the audio data and the video data can be received over a same communications channel in a single transmission system." Claim 13 depends from claim 8, and is allowable for at least the reasons that it depends from an allowable base claim and adds limitations not found in the prior art. Withdrawal of the rejection of claims 8, 13, and 17 is respectfully requested.

25 **Rejections under 35 U.S.C. 103**

Claims 1-3 stand rejected under 35 U.S.C. 103 over Hoffbeck et al (USPN 6,445,686) in view of Yu et al. (USPN 6,563,513) in view of Monroe. Claims 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffbeck in view of Yu in view of Monroe in view of

Rostoker et al (USPN 5,784,572). Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Matsuzaki et al (USPN 6,533,672). Claims 10 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Jokomies et al (USPN 6,661,674). Claims 12 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Hoffbeck. claims 14-16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Rostoker. These rejections are respectfully traversed.

Claim 1 includes that “the audio data and the video data can be received over a same communications channel in a single transmission system.” As previously described, in order for the system of Monroe to select between audio data and video data, the audio data and video data must each be transmitted over a transmission system that is dedicated to either audio data or video data. Neither Hoffbeck, Yu, Rostoker, Matsuzaki, nor Jokomies disclose selecting between audio data and video data that is transmitted over the same communications channel in a single transmission system. Thus, the combination of Monroe with any Hoffbeck, Yu, Rostoker, Matsuzaki, or Jokomies fails to provide a prima facie basis for the rejection of any of claims 1-7, 9-12, 14-16, or 18-20. Withdrawal of these rejections and allowance of the claims is respectfully requested.

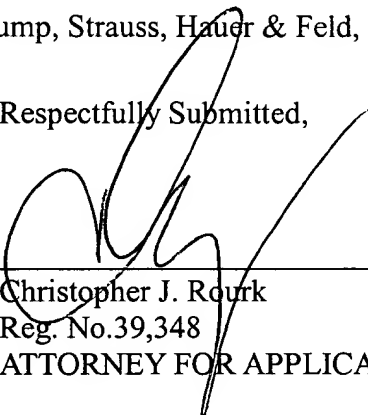
CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowance are courteously solicited.

- 5 If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 969-4669 is hereby requested so that such impediments may be resolved as expeditiously as possible.

- 10 No additional fee is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

Respectfully Submitted,



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